

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action No. 07-00063-01/02-CR-W-ODS

v.

MARLIN SANDERS and
JERMAINE D. JONES,

Defendant.

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

PENDING CHARGES: On February 7, 2007, the Grand Jury returned a seven count indictment against defendants Marlin E. Sanders, Jermaine D. Jones, and Lee V. Harris¹. Count One of the indictment charges that between January 1, 2006, to and including the date of the indictment, defendants Sanders, Jones and Harris conspired to distribute fifty grams or more of cocaine base. Count Two charges that on or about November 20, 2006, defendant Jones knowingly and intentionally distributed cocaine base. Count Three charges that on or about November 20, 2006, defendants Jones and Harris possessed with intent to distribute cocaine base. Count Four charges that on or about November 20, 2006, defendants Jones and Harris possessed a firearm, to wit: a .357 caliber revolver while being unlawful users of or addicted to a controlled substance. Count Five charges that on or about December 5, 2006, defendant Jones distributed cocaine base. Count Six charges that on or about December 6, 2006, defendants Sanders, Jones and Harris possessed with intent to distribute fifty grams or more of cocaine base. Count Seven charges that on December 6, 2006, defendant Sanders being an unlawful user of or addicted to a controlled substance possessed a firearm.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Kathleen Mahoney

Case Agent: Troy Schwam of the Kansas City Police Department

Defense: Willis Toney for defendant Sanders

F.A. White, Jr. for Jones

OUTSTANDING MOTIONS: The undersigned has prepared a Report and Recommendation with respect to Motion to Suppress Evidence (doc #86) and Motion to Suppress Statements (doc #87) The District Court's ruling on this motion is pending.

¹Defendant Harris has entered a guilty plea.

TRIAL WITNESSES:

Government: 18 witnesses with stipulations; 23 witnesses without stipulations
Defendants: 3 witnesses, the defendant Sanders may testify
3 witnesses, the defendant Jones may testify

TRIAL EXHIBITS

Government: 50 exhibits
Defendants: No exhibits beyond the government's exhibits

DEFENSES: General Denial

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 4 days

Government's case including jury selection: 3 days
Defense case: 1 day for both defendants

STIPULATIONS: The government has proposed 4 stipulations and defense counsel are reviewing them.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference
Defense: Friday before the pretrial conference

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday January 2, 2008

Please Note: Jury instructions must comply with Local Rule 51.1

TRIAL SETTING: Criminal jury trial docket commencing January 7, 2008.

Please Note: Mr. Toney is requesting that the case be set the first week of the docket as he has another matter the second week of the docket. Ms. Mahoney is helping Mr. Valenti with the trial of United States v. Cartwright also set on this docket. Thus, the Cartwright case must be set a different week from this case.

IT IS SO ORDERED.

_____/s/_____
SARAH W. HAYS
United States Magistrate Judge